

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:47 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

(March 22, 1977)

S.B. 95

S.B. 144

S.B. 191

FORTIETH DAY

(Wednesday, March 23, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

A quorum was announced present.

The Reverend Kenneth Phillips, World of Pentecost, Austin, Texas, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read the following enrolled resolution:

S.C.R. 69

CO-AUTHOR OF SENATE BILL 1186

On motion of Senator Schwartz and by unanimous consent, Senator Doggett will be shown as Co-author of **S.B. 1186**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 66

On motion of Senator Doggett and by unanimous consent, Senator Adams will be shown as Co-author of S.C.R. 66.

REPORTS OF STANDING COMMITTEES

Senator Schwartz submitted the following report for the Committee on Jurisprudence:

S.J.R. 45
S.B. 699
S.B. 609
H.B. 452
S.B. 433
C.S.S.B. 113 (Read first time)
C.S.S.B. 738 (Read first time)
C.S.S.B. 564 (Read first time)

Senator Adams submitted the following report for the Committee on Administration:

S.B. 810 (Amended) (Ordered not printed)
S.C.R. 70 (Ordered not printed)
S.C.R. 68 (Ordered not printed)
S.C.R. 67 (Ordered not printed)
S.C.R. 63 (Ordered not printed)
S.C.R. 58 (Ordered not printed)
S.C.R. 55 (Ordered not printed)
S.R. 335 (Ordered not printed)

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

H.B. 372
S.B. 635 (Amended)
S.J.R. 44 (Amended)
S.B. 875
S.B. 812
S.B. 747 (Amended)
S.B. 844
C.S.H.B. 34 (Read first time)

Senator Mauzy submitted the following report for the Committee on Education:

H.B. 282
S.C.R. 62
S.C.R. 57
S.B. 847

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1195 by Patman Natural Resources
Relating to the right of river authorities to obtain legal opinions from the attorney general; amending Article 4399, Revised Civil Statutes of Texas, 1925.

S.B. 1197 by Jones of Taylor Education
Relating to state aid to private medical and dental schools; and amending Sections 61.092, 61.093, and 61.094, Texas Education Code, and repealing Subchapter E, Chapter 61, and Subdivision (5), Section 61.091.

S.B. 1198 by Jones of Taylor State Affairs
Relating to a change of the name of the Railroad Commission of Texas; amending Article 6444, Revised Civil Statutes of Texas, 1925; adding Article 6444a to Chapter 11, Title 112, Revised Civil Statutes of Texas, 1925.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
March 23, 1977

TO THE SENATE OF THE SIXTY-FIFTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment pursuant to Senate Bill 330, 65th Legislature:

To be Judge of the 240th Judicial District of Texas, Fort Bend County, until the next general election and until his successor shall be duly elected and qualified: The Honorable Charles A. Dickerson of Richmond, Fort Bend County.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

SENATE RULE 103 SUSPENDED

On motion of Senator McKnight and by unanimous consent, Senate Rule 103 was suspended in order that the Subcommittee on Nominations might consider on adjournment today the nomination of The Honorable Charles A. Dickerson to be Judge of the 240th Judicial District.

NOTICE OF LOCAL AND UNCONTESTED BILLS CALENDAR

On motion of Senator Adams and by unanimous consent, the Senate agreed to hold a Local and Uncontested Bills Calendar at 8:30 o'clock a.m. tomorrow.

SENATE CONCURRENT RESOLUTION 71

Senator Williams offered the following resolution:

S.C.R. 71, Providing for the display of the Texas Medal of Honor in the Arlington Memorial Amphitheater Trophy Room.

The resolution was read.

On motion of Senator Williams and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 291 WITH HOUSE AMENDMENTS

Senator Jones of Taylor called **S.B. 291** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **S.B. 291** by adding after the word "sold" and before the word "by" on line 17: "to the highest bidder after taking the minimum of three written bids,"

Committee Amendment No. 2

Amend **S.B. 291** by adding subsection "C" under Section 1 the following:

"C. revenues collected under this section shall be deposited into fund number 9."

The amendments were read.

Senator Jones of Taylor moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 152 ON THIRD READING

Senator Meier asked unanimous consent to suspend the regular order of business to take up on third reading and final passage:

C.S.S.B. 152, Relating to eligibility for probation, parole, and release to mandatory supervision, to conditional pardons, to prisoner classification, and to good conduct time; amending Article 42.12, Code of Criminal Procedure, 1965, as amended, by amending Sections 1, 2, 12, 13, Subsections (a), (e), and (i) of Sections 14A, Sections 15, 20, 21, 22, 24, 26, 27, 28, 30, and 31, and by adding new Sections 3c and 3f; adding Article 6181-1 to Title 108, Revised Civil Statutes of Texas, 1925; amending Section 28, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 6166z1, Vernon's Texas Civil Statutes); and repealing Article 48.05, Code of Criminal Procedure, 1965, Section 23, Chapter 212, Acts of the 40th Legislature, Regular Session, 1927 (Article 6166v, Vernon's Texas Civil Statutes), and Chapter 361, Acts of the 48th Legislature, Regular Session, 1943, as amended (Article 6184l, Vernon's Texas Civil Statutes); and declaring an emergency.

There was objection.

Senator Meier then moved to suspend the regular order of business and take up **C.S.S.B. 152** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Adams, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Sherman, Snelson, Traeger, Williams.

Nays: Aikin, Clower, Doggett, Mauzy, Santiesteban, Schwartz, Truan.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Adams, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Sherman, Snelson, Traeger, Williams.

Nays: Aikin, Clower, Doggett, Mauzy, Santiesteban, Schwartz, Truan.

COMMITTEE SUBSTITUTE SENATE BILL 153 ON THIRD READING

Senator Meier moved to suspend the regular order of business to take up on third reading and final passage:

C.S.S.B. 153, Relating to a court's instructions to the jury on the laws of parole and commutation of sentence for good behavior; and amending Subsection (b) of Section 3, Article 37.07, Code of Criminal Procedure, 1965, as amended.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Farabee, Jones of Harris, Mauzy, Santiesteban, Truan.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Clower, Farabee, Jones of Harris, Mauzy, Santiesteban, Truan.

COMMITTEE SUBSTITUTE SENATE BILL 148 ON THIRD READING

Senator Farabee moved to suspend the regular order of business to take up on third reading and final passage:

C.S.S.B. 148, Relating to the Natural Death Act and a procedure for a person to provide in advance for the withdrawal or withholding of medical care when the person has a terminal condition.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Adams, Aikin, Andujar, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Longoria, Mauzy, Meier, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Williams.

Nays: Braecklein, Clower, Kothmann, Lombardino, McKnight, Mengden, Moore, Ogg, Traeger, Truan.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

By unanimous consent, Senator Mengden offered the following amendment to the bill:

Amend **C.S.S.B. 148** by inserting the words "unless negligent" at the end of each of the three sentences contained in Section 6.

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 18, Nays 13.

Yeas: Adams, Aikin, Andujar, Brooks, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Mauzy, Meier, Parker, Santiesteban, Schwartz, Sherman, Snelson, Williams.

Nays: Braecklein, Clower, Harris, Kothmann, Lombardino, Longoria, McKnight, Mengden, Moore, Ogg, Patman, Traeger, Truan.

SENATE BILL 292 ON SECOND READING

On motion of Senator Jones of Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 292, Relating to the taking of shrimp for personal use in the major bays of the state; amending subsection (a), Section 77.090, Parks and Wildlife Code.

(President Pro Tempore in Chair)

The bill was read second time and was passed to engrossment.

SENATE BILL 292 ON THIRD READING

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 292** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 294 ON SECOND READING

On motion of Senator Jones of Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 294, Relating to the definition of kinds of nets and seines; amending Subchapter C, Chapter 66, Parks and Wildlife Code, by adding Section 66.2015.

The bill was read second time.

Senator Jones of Taylor offered the following committee amendment to the bill:

Amend **S.B. 294** by striking the period at the end of Section 1, subsection (c) and adding the following:

“, except that nothing in this section shall prohibit the Department from issuing permits to individuals for the use of special nets as deemed necessary to adjust to developments in the management of aquatic or marine life.”

The committee amendment was read and was adopted.

On motion of Senator Jones of Taylor and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 294 ON THIRD READING

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 294** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(President in Chair)

NOTICE OF EXECUTIVE SESSION

Senator Andujar, Vice-Chairman, Committee on State Affairs, Subcommittee on Nominations, gave Notice she would move for an Executive Session of the Senate tomorrow at 11:00 o'clock a.m.

Senator Schwartz moved that the name of Frank H. Lewis to be a Member of the Water Quality Board be removed from the list of nominees to be considered in Executive Session tomorrow.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: McKnight, Moore.

SENATE BILL 287 ON SECOND READING

Senator Jones of Taylor moved to suspend the regular order of business to take up for consideration at this time:

S.B. 287, Relating to the requirement for a resident hunting license; amending Section 42.002, Parks and Wildlife Code.

(Senator Braecklein in Chair)

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Lombardino, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman.

Nays: Adams, Creighton, Doggett, Kothmann, Longoria, Patman, Snelson, Traeger, Truan, Williams.

Absent: McKnight

The Presiding Officer then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment by the following vote: Yeas 19, Nays 12.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Farabee, Harris, Jones of Harris, Jones of Taylor, Lombardino, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman.

Nays: Adams, Creighton, Doggett, Hance, Kothmann, Longoria, McKnight, Patman, Snelson, Traeger, Truan, Williams.

SENATE BILL 287 ON THIRD READING

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 287** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Lombardino, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger.

Nays: Kothmann, Longoria, McKnight, Patman, Truan, Williams.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Truan, McKnight, Williams, Hance, Snelson, Patman, Doggett, Adams, and Longoria asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 576 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 576. Creating the Natural Resources Council; naming its members; granting it powers; assigning it duties; granting the Governor powers; creating an advisory committee; repealing all expressly conflicting laws; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 576 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 576** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: McKnight, Moore.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent: McKnight, Moore.

SENATE BILL 577 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 577, Directing the Natural Resources Council to report to the Governor on coastal problems; designating the Governor to represent the State of Texas in discussions with the federal government with regard to questions of consistency under Section 307 of the Coastal Zone Management Act of 1972; repealing all expressly conflicting laws; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 577 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 577** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: McKnight, Moore.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent: McKnight, Moore.

SENATE BILL 578 ON SECOND READING

Senator Schwartz asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 578, Granting the Certifying Agency the duty and authority to certify those coastal wetlands which are essential to the public interest; granting the Acquiring Agency the authority to acquire fee and lesser interests in such lands and to preserve and manage such lands in the public interest; and declaring an emergency.

There was objection.

Senator Schwartz then moved to suspend the regular order of business and take up **S.B. 578** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Jones of Taylor.

Absent: Andujar, McKnight.

The Presiding Officer then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Jones of Taylor.

Absent: McKnight.

SENATE BILL 578 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 578** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Jones of Taylor.

Absent: McKnight.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 579 ON SECOND READING

Senator Schwartz asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 579, Providing for the exercise by the state of the regulatory authority of the Corps of Engineers over the discharge of dredged or fill material under Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1344), and regulations issued thereunder; and declaring an emergency.

(President in Chair)

There was objection.

Senator Schwartz then moved to suspend the regular order of business and take up **S.B. 579** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Doggett, Truan.

Absent: Mauzy, McKnight, Moore.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Truan and Doggett asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 579 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 579** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Doggett, Truan.

Absent: McKnight, Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Truan and Doggett asked to be recorded as voting "Nay" on the final passage of the bill.

MOTION TO PLACE SENATE BILL 692 ON SECOND READING

Senator Ogg moved to suspend the regular order of business to take up for consideration at this time:

S.B. 692, Relating to the services, duties and privileges of poll watchers; amending Section 21, Texas Election Code (Article 3.07, Vernon's Texas Election Code), as amended, by adding a new Subsection (i), and amending Subsection (h).

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 15, Nays 14.

Yeas: Aikin, Brooks, Clower, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Moore, Ogg, Snelson, Traeger, Williams.

Nays: Adams, Andujar, Braecklein, Creighton, Doggett, Jones of Taylor, Mauzy, Meier, Mengden, Parker, Patman, Schwartz, Sherman, Truan.

Absent: McKnight, Santiesteban.

MOTION TO PLACE SENATE BILL 715 ON SECOND READING

Senator Ogg asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 715, Relating to use of paper ballots in an election conducted by voting machines where a machine becomes out of order on election day; amending Section 79, Texas Election Code (Article 7.14, Vernon's Texas Election Code), by adding Section 17a.

There was objection.

On motion of Senator Ogg and by unanimous consent, the motion to suspend the regular order was withdrawn.

COMMITTEE SUBSTITUTE SENATE BILL 440 ON SECOND READING

Senator Jones of Harris moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 440, Relating to the licensing and regulation of speech pathologists and audiologists; providing penalties.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Longoria, Mauzy, Meier, Ogg, Parker, Schwartz, Sherman, Snelson, Traeger, Truan.

Nays: Andujar, Harris, Kothmann, Lombardino, Mengden, Moore, Patman, Williams.

Absent: McKnight, Santiesteban.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Mengden offered the following amendment to the bill:

Amend C.S.S.B. 440, Section 3a, page 2, line 38, by adding the words “, with the advice and consent of 2/3rd of the members of the senate present and voting, a quorum being present,” in between the words “governor” and “to”.

The amendment was read and was adopted.

On motion of Senator Jones of Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Hance, Clower, Harris, Mengden, Williams and Moore asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

SENATE BILL 1159 ON SECOND READING

Senator Moore moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1159, Providing a procedure whereby the governing body of certain cities, towns and villages may hold a special election to determine whether or not powers of recall, initiative and referendum powers shall be adopted by such city; amending Chapter 3 of Title 28, Revised Civil Statutes.

The motion prevailed by the following vote: Yeas 24, Nays 4, Present-Not Voting 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Parker, Sherman, Snelson, Traeger, Williams.

Nays: Mauzy, Patman, Schwartz, Truan.

Present-Not Voting: Ogg.

Absent: McKnight, Santiesteban.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Moore offered the following committee amendment to the bill:

Amend **S.B. 1159**, Sec. 7, Subsec. (a) by deleting the words "some daily newspaper", on Line 33, Page 4, and adding in their place "any newspaper of general circulation".

The committee amendment was read and was adopted.

Senator Clower offered the following amendment to the bill:

Amend **S.B. 1159** by striking Sec. 1 and substituting the following:

"Sec. 1. This article applies to all cities, towns, and villages heretofore incorporated and operating under the general laws of this State."

The amendment was read and failed of adoption by the following vote: Yeas 8, Nays 20, Present-Not Voting 1.

Yeas: Clower, Doggett, Mauzy, Mengden, Parker, Patman, Schwartz, Truan.

Nays: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Moore, Sherman, Snelson, Traeger, Williams.

Present-Not Voting: Ogg.

Absent: McKnight, Santiesteban.

On motion of Senator Moore and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Hance, Truan, Mauzy, Clower, Doggett and Sherman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 374 - by Doggett: Extending welcome to Reverend Kenneth Phillips.

S.R. 375 - by Schwartz: Extending welcome to Democratic ladies from Galveston County.

S.R. 376 - by Snelson: Extending congratulations to Oscar Doyle Stevens.

S.R. 377 - by Clower: Extending congratulations to Kelly Kay Kordus.

S.R. 378 - by Clower: Extending welcome to Clint and Murlene Bell.

S.R. 379 - by Clower: Extending welcome to Richard Kordus.

S.R. 380 - by Aikin: Extending welcome to Milton Guttierrez.

RECESS

On motion of Senator Aikin the Senate at 12:38 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(March 23, 1977)

S.C.R. 69

FORTIETH DAY

(Continued)

(Thursday, March 24, 1977)

AFTER RECESS

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Adams.

INTERGOVERNMENTAL RELATIONS COMMITTEE GRANTED PERMISSION TO MEET

On motion of Senator Snelson and by unanimous consent, the Committee on Intergovernmental Relations was granted permission to meet while the Senate was in Session.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Adams in the Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 32**.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

S.B. 53 (Doggett) Relating to granting certain inheritance rights to and from an illegitimate child. (31-0)(31-0)

S.B. 401 (Truan, Farabee, Williams) Relating to certification of manufacturer, assembler, and installers of boilers. (31-0)(31-0)